

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	
	:	ADMINISTRATIVE ACTION
	:	
	:	
DAKILA R. ROMANO, RN	:	
License # 26NR06150800	:	FINAL ORDER
	:	OF DISCIPLINE
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Dakila R. Romano ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. In a case brought by the Insurance Fraud Prosecutor, Respondent was indicted on December 4, 2013 for one count of Alteration of Record Relating to Care of Medical Patient.

3. Respondent was admitted to Pre-Trial Intervention, which included an additional condition that Respondent's nursing license

would be suspended for 90 days in addition to any action taken by the New Jersey Board of Nursing.

4. Respondent provided testimony at a first deposition denying that she participated in making any alterations to a particular patient's chart, and that she did not have any knowledge of any nurse completing a chart after the charge nurse was notified that there were blanks. At a second deposition, Respondent admitted that she filled in the blanks on the Medication Administration Records (MAR) and Treatment Administration Records (TAR) in the particular patient's chart so that the chart would be complete, and also admitted that she falsified information that was documented.

5. On or about April 4, 2011, Respondent completed and submitted an online biennial renewal application. Respondent was asked whether she would have "completed the required continuing education credits by May 31, 2011," referring to the biennial renewal period of June 1, 2009 - May 31, 2011. Respondent answered "yes" and certified that answer by submitting the online application.

6. On or about March 26, 2013, Respondent completed and submitted an online biennial renewal application. Respondent was asked whether she would have "completed the required continuing education credits by May 31, 2013," referring to the biennial

renewal period of June 1, 2011 - May 31, 2013. Respondent answered "yes" and certified that answer by submitting the online application.

7. On or about May 24, 2015, Respondent completed and submitted an online biennial renewal application. Respondent was asked whether she would have "completed the required continuing education credits by May 31, 2015," referring to the biennial renewal period of June 1, 2013 - May 31, 2015. Respondent answered "yes" and certified that answer by submitting the online application. Respondent was also asked whether she would have "completed the 1 hour continuing education course on Organ and Tissue Donation by May 31, 2015." Respondent answered "yes" and certified that answer by submitting the online application.

8. Respondent provided certificates which indicated that she completed the required hours of continuing education within the June 1, 2007 - May 31, 2009 and June 1, 2011 - May 31, 2013 biennial periods, but only completed 14.5 hours of continuing education within the June 1, 2009 - May 31, 2011 biennial period.¹

¹ Respondent also provided certificates of completion for a twelve-hour course entitled "The Reimbursement Renaissance", two four-hour courses entitled "PPS 2010: Review of Changing Regulatory Compliance Regarding RUG IV, MDS 3.0 and the Transition Period", a seven-hour course entitled "Spring in to Compliance", a course entitled "Prospective Payment System Revision and RUG IV-2012", a twelve-hour course entitled "The Reimbursement Oasis", and a six-hour course entitled "Viva La reimbursement!", all of which do not

SUBSEQUENT PROCEDURAL HISTORY

Based on the Findings of Fact above and the Conclusions of Law below, a Provisional Order of Discipline ("POD") seeking a 90-day suspension; imposition of a reprimand; a two thousand seven hundred and fifty dollar (\$2,750) civil penalty; and a requirement that Respondent take an ethics course, was entered on November 18, 2015. The civil penalty was to be an aggregate penalty, which was to include a penalty in the amount of two thousand five hundred dollars (\$2,500) for the conduct involving alteration and falsification of reports and records, and two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Copies were forwarded to Respondent in Cedar Grove at the last known address on file with the Board. The POD was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore.

count as they do not indicate that the courses have been approved or accredited as continuing education for nurses.

Respondent replied to the POD via multiple written submissions and provided proof of acceptance into the Somerset County Pretrial Intervention Program ("PTI"), and completion of certain continuing education hours. Notably, the PTI Order stipulated that Respondent's nursing license was to be suspended for 90 days and that Respondent would be subject to any additional discipline the Board imposed. In her submissions, Respondent noted that subsequent to entering into PTI, and pursuant to the PTI Order, Respondent took a 90-day hiatus from her job in nursing administration for a nursing and rehabilitation center and from the practice of nursing in the State of New Jersey. Respondent requested that the 90-day suspension sought in the POD be considered retroactively served by the 90-day hiatus Respondent took from her job and from her practice as a nurse in this State. Respondent maintained that any further time away from her job would constitute an undue hardship.

The Attorney General replied to Respondent's submission, recommending that the POD be finalized as drafted except that Respondent should be given credit for proof of completion of the following continuing education:

- 32.3 hours within June 1, 2007 - May 31, 2009
- 14.5 hours within June 1, 2009 - May 31, 2011;
- 80 hours within June 1, 2011 - May 31, 2013;
- 31 hours within June 1, 2013 - May 31, 2015, including the one hour course on organ and tissue donation.

Submissions of Respondent and the Attorney General submissions were reviewed by the Board, and the Board has determined that further proceedings are not necessary and that no material factual discrepancies have been raised.

CONCLUSIONS OF LAW

The Board finds that by rewriting and recreating the incident report, and in consideration of Respondent's involvement with filling in blank spaces in a previously created patient record, or altering the MAR and TAR, Respondent has engaged in: acts constituting a crime or offense relating adversely to the practice of nursing thereby subjecting her to discipline within the intendment of N.J.S.A. 45:1-21(f); the use or employment of fraud, deception, or misrepresentation thereby subjecting her to discipline pursuant to N.J.S.A. 45:1-21(b); and professional misconduct thereby subjecting her to discipline pursuant to N.J.S.A. 45:1-21(e).

Regarding continuing education, pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Respondent may apply 15.5 of the hours completed during the 2011 - 2013 biennial renewal period to cure the deficiency of the 2009 - 2011 biennial period. Since Respondent has therefore cured the continuing education deficiency

by application of subsequently-taken continuing education credits to a prior biennial renewal period, suspension and imposition of a fine on that basis are no longer warranted. Finally, the Board deems Respondent to have served a 90-day suspension by way of the 90-day hiatus Respondent took from her job and from the practice of nursing in this State.

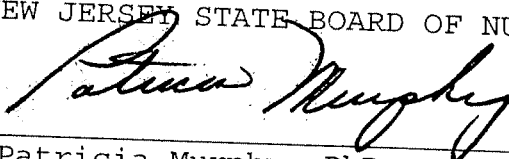
ACCORDINGLY, IT IS on this 01 day of July, 2016,
ORDERED that:

1. A reprimand is imposed on Respondent pursuant to N.J.S.A. 45:1-21(b), (e), and (f).
2. Respondent's license to practice nursing in the State of New Jersey is hereby suspended for ninety (90) days. Such suspension is to be applied retroactively and is deemed served by Respondent's 90-day hiatus from her job and from the practice of nursing in this State.
3. Within thirty (30) days after the date this Order is filed, Respondent shall complete a course in Ethics. Respondent shall obtain pre-approval of the course from the Board prior to enrollment. Respondent shall provide a certificate of completion of the course within fifteen (15) days of completion. This course shall not count toward Respondent's biennial continuing education requirements and shall be in addition to such requirements.

4. Respondent is assessed a civil penalty in the amount of two thousand five hundred dollars (\$2,500) for the aforementioned conduct involving the report and records. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to Leslie Burgos, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this Order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD, APN
Board President